

REMARKS

I. Introduction

Claims 1-19 are pending in this application, of which claims 1 and 1 are independent. All the pending claims stand rejected, but Applicant submits that by the present Remarks, this application is placed in clear condition for immediate allowance.

II. The Rejection of Claims 1 and 11

Claims 1 and 11 have been rejected under 35 U.S.C. §102(b) as being anticipated by Kim. This rejection is respectfully traversed.

It is well established precedent that the factual determination of lack of novelty under 35 U.S.C. §102 requires the identical disclosure in a single reference of each element of the claimed invention, such that the identically claimed invention is placed into the possession of one having ordinary skill in the art. *See Helifix Ltd. v. Blok-Lok, Ltd.*, 208 F. 3d 1339, 54 USPQ2d 1299 (Fed. Cir. 2000); *Electro Medical Systems S.A. v. Cooper Life Sciences, Inc.*, 34 F.3d 1048, 32 USPQ2d 1017 (Fed. Cir. 1994).

First, Applicant submits that Kim does not disclose a digital AGC circuit including all the limitations recited in independent claim 1. Specifically, Kim does not disclose, among other things, “a peak detection circuit for receiving a digitized wobble signal,” recited in independent claim 1. The digitized wobble signal indicates “address information recorded on a DVD by phase modulation of a wobble signal” (see the preamble of claim 1).

In the statement of the rejection, the Examiner identified magnitude estimator 30 of Kim as the claimed peak detection circuit. Magnitude estimator 30 of Kim includes first and second absolute calculators 31-1 and 32-2, and Kim simply describes that the calculators are configured

for receiving I and Q-channel signals (in-phase channel and quadrature channel) in a QPSK demodulator and calculate their absolute values, respectively (see column 3, lines 49-52; and Fig. 3). Accordingly, Kim does not disclose “receiving a digitized wobble signal” indicating “address information recorded on a DVD,” as claimed.

Second, Applicant submits that Kim does not disclose a digital AGC circuit including all the limitations recited in independent claim 11. Specifically, Kim does not disclose, among other things, “a multiplier for receiving a digitized wobble signal and multiplying the wobble signal by the gain adjustment coefficient,” recited in independent claim 11. As mentioned above, the digitized wobble signal indicates “address information recorded on a DVD by phase modulation of a wobble signal” (see the preamble of claim 11).

In the statement of the rejection, the Examiner identified multiplier 44 of Kim as the claimed multiplier. Kim describes that multiplier 44 “multiplies the smaller absolute value from the second multiplexer 42 by “1/2” value stored in the memory 43, and outputs the result” (column 5, lines 15-17, cited by the Examiner). According to Kim, multiplier 44 is configured to receive absolute value 32 of I-channel signal and absolute value 33 of Q-channel signal. By the same token, Kim does not disclose that multiplier 44 receives “receiving a digitized wobble signal” indicating “address information recorded on a DVD,” as claimed.

The above-described fundamental differences between the claimed invention and Kim undermine the factual determination that Kim identically describes the claimed invention within the meaning of 35 U.S.C. §102. Applicant, therefore, submits that the imposed rejection of claims 1 and 11 under 35 U.S.C. §102(b) for lack of novelty as evidenced by Kim is not factually viable and, hence, respectfully solicits withdrawal thereof.

III. The Rejection of Claims 1-3, 9, 11, and 18

Claims 1-3, 9, 11, and 18 have been rejected under 35 U.S.C. §102(b) as being anticipated by Borazjani. This rejection is respectfully traversed.

First, Applicant submits that Borazjani does not disclose a digital AGC circuit including all the limitations recited in independent claim 1. Specifically, Borazjani does not disclose, among other things, “a peak detection circuit for receiving a digitized wobble signal,” recited in independent claim 1. The digitized wobble signal indicates “address information recorded on a DVD by phase modulation of a wobble signal” (see the preamble of claim 1).

In the statement of the rejection, the Examiner identified amplitude detector and filter 408 of Borazjani as the claimed peak detection circuit. According to Fig. 9, Borazjani simply describes that amplitude detector and filter 408 receives I and Q data values in a telephony signal over a CATV (see, also, column 21, lines 56-63). Accordingly, Borazjani does not disclose “receiving a digitized wobble signal” indicating “address information recorded on a DVD,” as claimed.

Second, Applicant submits that Borazjani does not disclose a digital AGC circuit including all the limitations recited in independent claim 11. Specifically, Borazjani does not disclose, among other things, “a multiplier for receiving a digitized wobble signal and multiplying the wobble signal by the gain adjustment coefficient,” recited in independent claim 11. The digitized wobble signal indicates “address information recorded on a DVD by phase modulation of a wobble signal” (see the preamble of claim 11).

The Examiner identified amplitude detector and filter 408 of Borazjani as the claimed multiplier. As discussed above, Borazjani simply describes that amplitude detector and filter 408 receives I and Q data values in a telephony signal over a CATV (see Fig. 9; and column 21, lines

56-63). Accordingly, Borazjani does not disclose that amplitude detector and filter 408 receives “receiving a digitized wobble signal” indicating “address information recorded on a DVD,” as claimed.

The above-described fundamental differences between the claimed invention and Borazjani undermine the factual determination that Borazjani identically describes the claimed invention within the meaning of 35 U.S.C. §102. Applicant, therefore, submits that the imposed rejection of claims 1 and 11 under 35 U.S.C. §102(b) for lack of novelty as evidenced by Borazjani is not factually viable. Dependent claims 2, 3, 9, and 18 are also patentably distinguishable over Borazjani at least because these claims include all the limitations recited in independent claims 1 and 11. Withdrawal of the rejection of the claim is, therefore, respectfully solicited.

IV. The Rejection of Claims 4-8 and 12-17

Claims 4-8 and 12-17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Borazjani in view of Kiyanagi et al. This rejection is respectfully traversed.

Specifically, claims 4-8 and 12-17 depend from independent claims 1 and 11, respectively. Applicant incorporates herein the arguments previously advanced in traversing the imposed rejection of claims 1 and 11 under 35 U.S.C. § 102(b) for anticipation evidenced by Borazjani. The Examiner’s additional comments and secondary reference to Kiyanagi et al. do not cure the previously argued deficiencies in Borazjani.

Applicant, therefore, submits that the imposed rejection of claims 4-8 and 12-17 under 35 U.S.C. § 103 for obviousness predicated upon Borazjani in view of Kiyanagi et al. is not factually or legally viable and, hence, respectfully solicits withdrawal thereof.

Conclusion

It should, therefore, be apparent that the imposed rejections have been overcome and that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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